

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-10 are currently pending. Claims 1 and 3 are currently amended. Claims 8-10 are newly added. The changes and additions to the claims do not add new matter and are supported by the originally filed specification at least on page 10, line 17 to page 11, line 12; page 12, lines 4-8; and page 17, line 1 to page 22, line 24. The changes to the specification do not add new matter and are supported on page 16, lines 25-27 of the originally filed specification.

In the outstanding Office Action, the specification was objected to; Claim 3 was objected for an informality; Claims 1-7 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement; and Claim 3 was rejected under 35 U.S.C. §112, second paragraph as being indefinite.

With respect to the objection to the specification, Applicant respectfully submits that the amendment to the title overcomes this objection.

With respect to the objection to Claim 3, Claim 3 has been amended as suggested in the Office Action. Therefore it is respectfully submitted that this objection has been overcome.

With respect to the rejection of Claim 3 under 35 U.S.C. §112, second paragraph, Applicant respectfully submits that the amendment to Claim 3 overcomes this rejection.

With respect to the rejection of Claim 1 under 35 U.S.C. §112, first paragraph, Applicant respectfully submits that the amendment to Claim 1 overcomes this rejection. Amended Claim 1 no longer recites “a continuing mode for recording simultaneously” on lines 5-7 of original Claim 1. Amended Claim 1 recites,

An imaging apparatus, comprising:
a recording device configured to record data; and
a replaying device configured to replay the data,
wherein the recording device includes a continuing mode to
associate and record a plurality of data of same kind or different kind in
accordance with associated information so that the plurality of data are
capable of being replayed in accordance with the associated information;
and
said continuing mode has a function in which the associated
information for first data are maintained after the first data are recorded in
the continuing mode, and if the continuing mode is selected again after
second data are recorded in a mode other than the continuing mode, third
data to be newly recorded are associated with the first data.

These features are supported by the originally filed specification. Figure 2 shows a recording device by way of processing part 23 (see page 12, lines 4-8 of the specification). Figure 2 shows a replaying device by way of processing parts 24-27 for replaying a moving image and voice. Additionally, the features of the claimed continuing mode are described at least on page 17, line 1 to page 22, line 24.

With respect to new Claims 8-10, support for the features of these claims can be found respectively on Figure 2, Figure 3, and page 17, lines 1-2.

Applicants note that the outstanding Office Action did not contain an art rejection, nor was any pertinent prior art cited in the Office Action. The MPEP states in section 706.07:

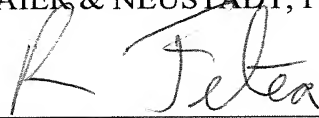
“To bring the prosecution to as speedy conclusion as possible
and at the same time to deal justly by both the applicant and the
public, the invention as disclosed and claimed should be
thoroughly searched in the first action and **the references fully
applied...**” (Emphasis added).

**Therefore, Applicants respectfully submit that if the present application is not
deemed in condition for allowance, then the next Office Action must be non-final.**

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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